

ARTICLE VIII - ADMINISTRATIVE AGENCIES

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35-801 Board of Adjustment**(a) Creation of Board of Adjustment**

There is hereby created a board of adjustment consisting of eleven (11) members and six (6) alternate members to be appointed by the city council. Each member of the governing body, including the mayor, may nominate one (1) member to the board. All members, including alternates, must be residents of the city of San Antonio. Said board shall have all powers vested by the Texas Local Government Code, chapter 211.

(b) Terms, Removal of Members

All members of the board shall be appointed for a term of two (2) years and shall be removable for cause by the city council upon written charges and after public hearing.

(c) Vacancies

Vacancies in the regular membership of the board of adjustment shall be filled by the city council member from whom the appointment originated for the unexpired term of vacancy. Vacancies of the alternate board of adjustment member(s) shall be appointed at large by the city council, and determined by majority vote, for the unexpired term of vacancy.

(d) Minimum of Nine Members at Hearings

The alternate members of the board of adjustment shall serve in the absence of one (1) or more regular members when requested by the director of development services so that all cases heard by the board of adjustment will always be heard by a minimum of nine (9) members.

(e) Minutes / Records

The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the board and shall be a public record.

(f) Meetings

The board may have weekly meetings or at the call of the chairman or in his absence the acting chairman, and at such other times as the board may determine. All board meetings shall be open to the public.

(g) Powers of Board

The board of adjustment shall have the following powers:

- To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter.
- To hear and decide special exceptions in those specific instances authorized by this chapter.
- To authorize upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done.

In exercising their powers, the board may, in conformity with the provisions of this division, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. Provided, however, the concurring vote of nine (9) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation in this chapter.

(h) Compensation of Members

Each member of the board of adjustment of the city shall receive as compensation for this service, the sum of twenty dollars (\$20.00) for each regular meeting of the board attended by such member, provided such compensation shall not exceed one thousand forty dollars (\$1,040.00) for any one (1) member during any one (1) year.

(i) Notice of Hearings

Public notice of hearings before the board of adjustment shall be given for each separate appeal thereby by publication one (1) time in a paper of general circulation in the city, stating the time and place of such hearing which shall not be earlier than ten (10) days from the first date of such publication, and in addition thereto, the board of adjustment shall mail notice of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which a variation, or exception, is desired and to all other persons deemed by the board of adjustment to be affected thereby. Such owners and persons shall be determined according to the current tax rolls of the city.

(j) Powers Strictly Construed

Nothing herein contained shall be construed to empower the board of adjustment to change the terms of this article, to effect changes in the official map or to add to the specific uses permitted in any district. The powers of the board shall be so construed that this article and the official map are strictly enforced.

(k) Findings of Fact

Every decision of the zoning board of adjustment shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to exist on any matter upon which the board is required to pass under this article or to affect any variance in this chapter shall be construed as limitations on the power of the board to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific facts shall not be deemed findings of fact and shall not be deemed compliance with this article.

(1) Power to Make Exceptions.

The zoning board of adjustment may make special exceptions to the terms of this chapter only as provided in Division 7 of Article III this chapter; however, the board shall not grant a special exception unless it makes specific findings that:

- A. The exception will be in harmony with the spirit and purposes of this chapter.
- B. The public welfare and convenience will be substantially served.
- C. The neighboring property will not be substantially injured by such proposed use.
- D. The exception will not alter the essential character of the district and location which the property for which the exception is sought.
- E. The exception will not weaken the general purpose of this chapter or the regulations herein established for the specific district.

(2) Record of Action

The above findings of the board shall be incorporated into the official minutes of the board meeting in which the special exception is authorized.

(l) Recommendation From Other Public Agencies

The board of adjustment shall receive and consider recommendations from public and semipublic agencies before rendering a decision in any case before the board. To this end, the board shall, in addition to the other requirements of this chapter, notify all agencies deemed to have an interest in the case.

(Ord. No. 98697 § 4 & 6)

35-802 City Council

The city council shall render final decisions pertaining to amendments to the Master Plan, any comprehensive plan, any neighborhood plan, any sector plan, and this chapter, except where authority for a final decision is delegated to another agency by this chapter. The city council shall render final decisions pertaining to applications for development approval where such authority is assigned pursuant to this chapter. The city council shall have the following powers and duties:

- (a) To initiate, adopt and amend a comprehensive plan.
- (b) To initiate amendments to the text and map of this chapter and any comprehensive plan;
- (c) To hear, review and adopt amendments to the text of this chapter after a recommendation of the zoning commission.
- (d) To approve, deny or to amend and to grant applications for development approval excluding appeals and variances, which have been delegated to the board of adjustment;
- (e) To approve, deny, or to amend and to grant applications for conditional use permits or development agreements;
- (f) To take such other action not expressly delegated exclusively to the director, the planning commission, or the board of adjustment as the city council may deem desirable and necessary to implement the provisions of this chapter and the Comprehensive Plan.

35-803 Historic and Design Review Commission**(a) Appointment**

The historic and design review commission (historic and design review commission) is hereby established. The historic and design review commission shall consist of fifteen (15) members who reside in the city of San Antonio and are appointed by the city council.

(b) Duties and functions

The commission shall serve to assist in an advisory capacity to the city of San Antonio directors of planning, parks and recreation, development services, code compliance, public works, arts and cultural affairs, and other appropriate heads of municipal departments, in accordance with Section 49 of the city charter, and to the city manager. The commission shall have no authority to bind the city of San Antonio by contract or otherwise. The commission shall have the following duties and functions:

- (1) To conduct an ongoing inventory to identify historically, culturally, architecturally, and archaeologically significant buildings, objects, sites, structures, public art and design enhancements, and areas that exemplify the cultural, social, economic, political, archaeological, or architectural history of the city, state, or nation;

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- (2) To investigate and recommend through the city zoning commission the designation of areas having special historic, cultural, architectural, or archaeological value as historic districts; and buildings, objects, sites, structures, or clusters having special historic, cultural, architectural, or archaeological value as exceptional or significant landmarks;
- (3) To hold public hearings and to review applications for construction, reconstruction, alteration, relocation, renovation, landscaping, or demolition affecting proposed or designated landmarks or buildings, objects, sites, signs, public art and design enhancements, or structures in the River Walk area, historic districts, and public property and rights-of-way and recommend issuance or denial of certificates of appropriateness for such actions;
- (4) To recommend specific design guidelines for the restoration, rehabilitation, alteration, construction, reconstruction, or relocation of landmarks, or buildings, objects, sites and structures within historic districts, in the River Walk area, on public property, or in the public right-of-way;
- (5) To recommend guidelines for signage, street furniture, appurtenances, advertising devices, landscaping, monuments and works of art for each historic district, each landmark, in the River Walk area, and for public property and public rights-of-way;
- (6) To hold public hearings and to review applications for ad valorem tax exemption for residential and commercial buildings and structures which have historical significance and are in need of tax relief to encourage their preservation and rehabilitation; to certify the facts governing eligibility, along with the commission's recommendation, to the Bexar Appraisal District, for approval or disapproval of the application for exemption; upon receipt of a sworn statement of completion, to investigate the building or structure to determine whether the restoration or rehabilitation has been substantially completed as required for certification, and to notify the Bexar Appraisal District in writing if verification of completion is favorable;
- (7) To review and make recommendations concerning proposed tax increment districts and special assessment districts that would affect proposed or designated landmarks or historic districts;
- (8) To testify through the chairman or vice chairman before all boards and commissions on any matter affecting historically, culturally, architecturally, or archaeologically exceptional, or significant areas, buildings, objects, sites, structures, clusters, historic districts, property located in the River Walk area, or public property;
- (9) To review all proposed National Register nominations within the city of San Antonio upon recommendation of the city's Historic Preservation Officer;
- (10) To inform and educate the citizens of San Antonio concerning the historical, cultural, architectural, and archaeological heritage of the city;

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- (11) To recommend conferral of recognition upon the owners of landmarks or buildings, objects, sites or structures within historic districts by means of certificates, plaques, or markers;
- (13) To review periodically the zoning ordinance of the city of San Antonio and to recommend any amendments appropriate for the preservation and protection of landmarks or buildings, objects, sites and structures within historic districts, in the River Walk area, on public property, or in the public right-of-way;
- (14) To create committees of no more than seven (7) persons from among its membership to meet at times other than regular commission meetings, to consider specified categories of applications; and to make recommendations to the full commission;
- (15) To prepare and submit annually to the city council a report summarizing the work of the commission during the previous calendar year which has been adopted by the commission; and
- (16) To select four (4) members from within the historic and design review commission who shall serve on the public art committee and shall have the responsibilities included in the public art and design enhancement program under Article 6, Division 5, Section 35-652 (c).

(c) Composition and Qualifications

In appointing members of the commission, the city council shall make appointments that are sensitive to the preservation and development goals of the city and will enable the city to retain compliance as a certified local government under the rules incorporating the provisions of the U.S. Historic Preservation Act of 1966, as amended, and Title 13, Texas Historic commission, chapter 15, specifically 13 TAC 15.6(f)(3)(C), so that all members shall have a demonstrated "interest, competence, or knowledge in historic preservation."

(1) Composition.

Composition shall be from three (3) categories of members from the following disciplines or backgrounds:

- A. One (1) representative shall be selected from each of the following disciplines: architecture (licensed in the State of Texas), history, architectural history, archaeology, and planning. Memberships from these five (5) disciplines are required in order to achieve compliance with the U.S. Historic Preservation Act, as well as applicable Texas law.
- B. One (1) representative from each of the following disciplines: landscape architecture (licensed in the State of Texas), and a professional in the field of public art or art history. Membership from these two (2) disciplines are required to provide design expertise related to the River Walk and public art.

- C. Four (4) individuals in business/professional categories which shall include disciplines and backgrounds in real estate/commercial development, economic development, law,
- D. banking or accounting, or civil engineering.
- E. Four (4) individuals in a general category which shall include experience or background in urban design, visual arts, public art, neighborhood representation, or design enhancements, or who shall be a citizen-at-large.

Members of the commission shall represent the general ethnic and gender makeup of the community. The city council shall have the authority to remove any member for good cause.

(2) Appointment.

The mayor and city council will each appoint one member of the commission. The remaining four (4) members will be selected at-large by the mayor and city council to complete category representation.

(3) Terms of members.

Members of the commission shall serve a two-year term not to exceed three (3) consecutive terms. Any vacancy shall be filled for the remainder of the term by the city council.

(d) Chairman and Vice Chairman

Members of the commission shall elect a chairman and vice chairman from among those members who have served at least one year as commission members. The chairman and vice chairman shall serve for a one year term, but no person shall serve more than two (2) consecutive city council appointed terms in the same office. The chairman shall preside over all meetings of the commission. The vice chairman shall preside in the absence or at the request of the chairman. An additional presiding officer pro-tem may be selected by the commission members to preside over meetings in the absence of both the chairman and vice chairman.

(e) Election of Officers

Election of commission officers shall occur in January of each year. On the day of the election of officers, the chairman shall turn the meeting over to the director of planning who will accept nominations from the membership for chairman and vice chairman. Officers must receive a majority vote of the commission members. The term of office shall begin the day of the election.

(f) Secretary

The director of planning or his representative shall act as secretary of the commission and shall attend and keep minutes of all meetings, acting in an advisory capacity and participating fully in commission discussions but having no right to vote.

(g) Meetings of the Commission

The commission shall hold each regular meeting on the basis of not less than once each month, and more frequently if necessary, at a regularly scheduled time with advance notice posted according to the Texas Open Meetings Act. Additional special meetings may be called by the chairman, or upon written request to the planning director signed by a majority of the members, when a matter requires urgent consideration of the commission. All meetings of the commission shall be open to the public in accordance with the Texas Open Meetings Act. The place, day and/or hour of meetings may be changed by vote of the commission at any regular meeting. Notice of such action shall be provided in accordance with the Texas Open Meetings Act. Minutes of the commission's proceedings showing the vote shall be filed in the office of the city historic preservation officer and shall be a public record.

(h) Meeting Procedures

The commission shall observe the following procedures:

- (1)** Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion by members or by opponents or proponents of a question before the commission shall terminate whenever a member shall call for a vote upon the question or whenever the chairman shall so rule.
- (2)** Whenever any question of procedure or qualification may be raised at a commission meeting, the chairman shall rule thereon. A member may move to overrule the chairman's decision which may be done by a majority vote of the members present.
- (3)** Voting on all matters may be by voice vote provided that a roll call vote shall be taken upon demand of any member.
- (4)** Releases and statements to the public and press in the name of the commission shall be made only by the presiding officer and in accordance with the Texas Open Records Act.
- (5)** Any question of order or procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order, insofar as they may be applicable.

(i) Meetings of Commission Committees

All decisions of committees shall be submitted to the commission at its next regular meeting. Any applicant who is dissatisfied with a recommendation by a committee shall have the right to appeal to the full commission at its next regularly scheduled meeting. Minutes of committee proceedings showing the vote shall be filed in the office of the city historic preservation officer and shall be a public record.

(j) Quorum

A quorum of the commission shall require eight (8) members present. The affirmative votes of two-thirds ($\frac{2}{3}$) of the members present is required for action.

(k) Conflicts of Interest

No member of the commission shall vote or participate as a member in any matter that materially affects the property, income, or business interest of that member or in which the member holds a substantial interest. Such member shall give notice of abstention from voting prior to the taking of a vote.

(Ord. No. 98697 § 1 & 6)

35-804 City Historic Preservation Officer

The city historic preservation officer, through the director of planning, shall administer this article and shall advise the historic and design review commission on each application that shall come before the commission. This person shall have expertise in archaeology, history, architectural history, historic preservation, or a closely related field. The city historic preservation officer shall have the following powers and duties:

- (a)** To coordinate with the department of public works design enhancement coordinator who shall administer the public art and design enhancement program under Division 5 of Article 6.
- (b)** To coordinate the city's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation and urban design organizations in the private sector.
- (c)** To recommend to the commission buildings, objects, sites, structures, and districts for designation as landmarks or historic districts in accordance with the criteria established by this ordinance.
- (d)** To recommend to the commission buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
- (e)** To maintain and hold open for public inspection all record pertaining to the provision of historic and design regulations as provided for in Article 6 and Article 3 (River Walk)
- (f)** To review, approve or deny applications for building and demolition permits required by Section 35-108.

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- (g)** To review plans for proposed development to assure that all necessary permits have been obtained from these federal, state or local governments agencies from which prior approval is required as provided in this chapter for historic and design review.
- (h)** To administratively approve certain certificates of appropriateness for ordinary maintenance, Repair and administrative review on routine matters of historic preservation or design review
- (i)** To convene special, called meetings of the architectural subcommittee of the historic and design review commission when development projects over 5000 square feet merit committee consideration and advice prior to the historic and design review commission meeting.

(Ord. No. 98697 § 6)

35-805 Planning Department & Administration

The administrative official for the purposes of this chapter shall be the city manager and his assistants, deputies, and department heads insofar as they may be charged by the city manager and the provisions of this chapter with duties and responsibilities with reference thereto. Without limitation, the directors of planning, public works, and development services shall ordinarily administer and enforce the provisions of this chapter. The director of development services shall serve as staff to the planning commission, zoning commission, and the city council except where otherwise provided by this chapter. The director of planning shall serve as a regular advisor to the planning commission.

(Ord. No. 98697 § 1 & 6)

35-806 Floodplain Administrator. (See Appendix “F”)**35-807 Planning Commission****(a) Established, Composition**

The planning commission is established pursuant to § 117 of the city charter.

(b) Rules and Regulations

The planning commission shall observe the following rules and regulations:

- (1)** The commission shall elect a chairman and vice chairman from its own membership who shall serve for a one-year term, but no person shall serve as chairman for more than two (2) consecutive terms. On the day of the election of officers, the chairman shall turn the

meeting over to the director of planning who will accept nominations from the membership for chairman and vice chairman. Officers must receive a majority vote of the commission members. The term of office shall begin the day of the election.

- (2) The chairman shall preside over all meetings of the commission. The vice-chairman shall preside in the absence or at the request of the chairman. An additional presiding officer pro-tem may be selected by the commission members to preside over meetings in the place of the chairman and the vice-chairman.
- (3) A quorum shall consist of five (5) members of the commission. No final action shall be taken on any matter except pursuant to a majority vote of the members present; however, in no case shall less than five (5) votes constitute a majority.
- (4) Regular meetings of the planning commission shall be held on Wednesdays at 2:00 p.m. at least once a month. Special meetings may be called by the chairman provided that notice for such special meetings is made in accordance with the requirements of the Open Meetings Act. All meetings of the commission shall be open to the public. The place, day and/or hour of meetings may be changed by vote of the commission at any regular meeting. Notice of such action shall be provided in accordance with the Open Meetings Act.
- (5) Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion by members or by opponents or proponents of a question before the commission shall terminate whenever a member shall call for a vote upon the question or whenever the chairman shall so rule.
- (6) Whenever any question of procedure or qualification may be raised at a commission meeting, the chairman shall rule thereon. A member may move to overrule the chairman's decision which may be done only by a majority vote of the members present.
- (7) Voting on all matters may be by voice vote provided that a roll call vote shall be taken upon demand of any member.
- (8) A member shall not vote or participate as a member in any matter before the commission if the member has any financial interest in the matter, whether such interest is direct or indirect, as defined in Section 1 of Ordinance No. 71043 [section 2-85]. A member who feels that he has a conflict of interest on any matter that is on the commission agenda shall voluntarily excuse himself, vacate his seat, and refrain from discussing and voting on the matter.
- (9) The commission shall take no final action on any matter before it without first obtaining a recommendation from the director of planning and reports from the other city departments concerned, as determined by the commission.
- (10) Releases and statements to the public and press in the name of the commission shall be made only by the presiding officer.

- (11) Any question of order or procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order, insofar as they may be applicable.

(Ord. No. 98697 § 6)

35-808 Zoning Commission

(a) Established, Composition

Pursuant to Vernon's Local Government Code, Section 211.007, the zoning commission is established consisting of eleven (11) members appointed by the city council.

(b) Duties of the Zoning Commission

The duties of the zoning commission are as follows:

- (1) To recommend the boundaries of original zoning districts and appropriate regulations to be enforced therein.
- (2) To hold public hearings and prepare a final report for the city council on recommendations for change in zoning district boundaries or regulations in zoning districts.
- (3) To perform such other functions as are necessary or required by state law or city ordinance.

(c) Terms of Members

The eleven (11) members of the zoning commission shall serve for overlapping two-year terms.

(d) Chairman

The zoning commission shall elect a chairman and a vice-chairman from its own membership who shall serve for one-year terms, but no person shall serve as chairman for more than two (2) successive years.

(e) Presiding Officer

The chairman shall preside over meetings of the commission. The vice-chairman shall preside over meetings of the commission in the absence of the chairman. The vice-chairman shall preside in the absence of or at the request of the chairman. An additional presiding officer pro tem may be selected by the commission members to preside over meetings in absence of both the chairman and the vice-chairman.

(f) Quorum, Majority Vote

A quorum shall consist of six (6) members of the commission. The chairman shall be counted as any other member when establishing a quorum. Final action on any matter shall require a majority vote of six (6) members except when the commission has twice held a public hearing and considered a zoning application and is unable to reach a majority vote. In such instances, the commission may submit a report instead of a recommendation to the city council.

(g) Meetings

Regular meetings shall be held the first and third Tuesdays of each month at 1:00 p.m., and notice of each meeting shall be given in accordance with the Texas Open Meetings Act. Special meetings may be called by the chairman, provided written notice thereof is mailed to each member at least forty-eight (48) hours prior to the time thereof. Zoning applications shall be considered only at regular meetings except for city initiated applications to permanently rezone areas with temporary zoning designations or zoning designations under previously adopted zoning ordinances which may be considered at special meetings held in or adjacent to the area under consideration for rezoning. Other matters shall be considered only at regular or special meetings. All meetings of the commission shall be open to the public. The place, day and/or hour of meetings may be changed by vote of the commission at any regular meeting. Notice of such action shall be published in the official city newspaper one (1) time at least ten (10) days prior to the effective date.

(h) Motions

Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion by members, or by opponents or proponents, of a question before the commission shall terminate whenever a member shall call for a vote upon the question or whenever the chairman shall so rule.

(i) Procedure

Whenever any question of procedure or qualification may be raised at a commission meeting, the chairman shall rule thereon. A member may move to overrule the chairman's decision, which may be done only by a majority vote of the members present.

(j) Voting

Voting on zoning applications shall be called by roll call vote. Voting on all other matters may be by voice vote, provided that roll call vote shall be taken upon demand of any member. The chairman may vote on any matter before the zoning commission, subject to subsection (k) below, and the chairman's vote shall be counted for the same purpose as any other member's vote.

(k) Conflict of interest

A member shall not vote or participate as a member in any matter before the commission if the

member has any interest in this matter, whether such interest is direct or indirect, financial or otherwise. In any case, where the question of a member's interest is raised, the chairman shall rule on whether the member should be disqualified.

(l) Recommendations

The commission shall take no final action on any matter before it without first obtaining a recommendation from the director of planning and reports from the other city departments concerned, as determined by the commission.

(m) Publicity

Releases and statements to the public and press in the name of the commission shall be made only by the presiding officer.

(n) Robert's Rules of Order

Any question of order or procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order, insofar as that may be applicable.

(Ord. No. 98697 § 6)

35-809 Airport Overlay Zoning Agencies

(a) Airport Zoning Commission Designated

The city of San Antonio zoning commission is hereby designated as the airport zoning commission.

(b) Joint Enforcement (Outside City of San Antonio)

Bexar County and Guadalupe County and all incorporated towns and cities in these counties lying under the imaginary surfaces established in this division are urged to enact ordinances to adopt the provisions of this division.

(c) Joint Airport Zoning Board Created

Under the authority of Vernon's Local Government Code, Chapter 241, there is hereby created jointly with the county an airport zoning board, with all of the powers and rights authorized by the legislature of the state by Acts 1947, 50th Legislature, Page 784, Chapter 391.

(d) Administrative Agency (Outside City of San Antonio)

The department of development services is hereby designated by the joint airport zoning board as the agency charged with the administration and enforcement of this division. The department shall have the assistance of each of the political subdivisions which are a party to this division. It shall be the duty of such political subdivisions to diligently and conscientiously pursue the intent and purpose of this division by, among other things, requiring, accepting, and promptly forwarding to the administrative agency, permit applications originating within their jurisdictions. Neither the joint airport zoning board nor the administrative agency shall have or exercise any of the powers or duties which are delegated to the board of adjustment under Vernon's Local Government Code, chapter 241.

(e) Judicial Review (Outside City of San Antonio)

Any person aggrieved or taxpayer affected by any decision of the board of adjustment, or any governing body of a political subdivision or the joint airport zoning board which is of the opinion that a decision of the board of adjustment is illegal, may present to a court of record a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of illegality as provided in Vernon's Local Government Code, chapter 241.

(Ord. No. 98697 § 4 & 6)

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